

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4541 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -

2. To be referred to the Reporter or not? -

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3. Whether Their Lordships wish to see the fair copy of the judgement? -

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -

5. Whether it is to be circulated to the Civil Judge?
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SHAH AMBALAL JAMNADAS SINCE DECEASE THROUGH LEGAL HEIRS

Versus

MAGANBHAI MOTIBHAI PATEL

Appearance:

MR MI PATEL for Petitioners

MR JITENDRA M PATEL for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 24/06/98

ORAL JUDGEMENT

By means of this petition the petitioner has sought for quashing the judgment and order dated 11-4-1986 of the Gujarat Revenue Tribunal passed in Revision Application No.TEN. 1324 of 1983, whereby the Revision Application was partly allowed and the orders of the Assistant Collector and Mamlatdar were set aside and the matter was remanded back to the Mamlatdar for

deciding it a fresh after hearing the parties concerned and after taking into considerations the observations made in the judgment.

2. Heard the learned counsel for the parties. The submission made by the learned counsel for the respondents is that the action under Section 17 (b) of the Tenancy Act was illegal and unjust on the ground of limitation. No such limitation has been provided by the Statute. In support of his contention, he has relied upon decision in the case of Desaibhai Shanabhai Patel and Another Vs. Bhulabhai Prabhudas Patel & Ors, reported in 1994 (2) G.L.R. 1647 . He has also contended that under the provisions of Article 227 of the Constitution of India the High Court has supervisory jurisdiction only. A mere wrong decision without anything more is not enough to attract the jurisdiction of the High Court. Under the Article 226 and 227 of the Constitution of India. The powers of the High Court are very limited "to seeing that an inferior Court or Tribunal functions within the limits of its authority" and not to correct an error apparent on the face of the record, much less an error of law. The High Court is not to interfere with the order of the subordinate court. From the judgment of the Tribunal it appears that the right, title and possession of the parties have not been decided and the matter has been remanded back to the trial court for deciding it a fresh after hearing all the parties concerned. It is also submitted that the parties may be permitted to raise any question before the trial court. The trial court be directed to decide the questions raised by the parties in accordance with law within a period of six months from the date of receipt of certified copy of this order. I have given my anxious thought to the submissions made by the parties. No error of law is committed by the Revenue Tribunal and the matter has been remanded back to the trial court to decide a fresh.

3. Accordingly, I do not find any reason for interference by exercising the powers under Article 226 and 227 of the Constitution of India. This petition lacks merits and accordingly is dismissed. However, the trial court is directed to decide the plea raised by the parties in accordance with law as far as possible preferably within a period of six months from the date of receipt of a certified copy of this order. Rule is discharged. Interim relief granted earlier stands vacated.

